

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

MATTHEW RAAP,

Plaintiff,

v.

BRIER & THORN,

Defendant.

Case No. 16-CV-1690-JPS

**ORDER**

On May 17, 2017, Defendant filed a motion for a protective order as to fourteen subpoenas issued by Plaintiff to Defendant's customers. (Docket #13). The subpoenas seek all documents related to the customers' dealings with Defendant. (Docket #16-2). Plaintiff's response to the motion was due on or before June 7, 2017. Civil L. R. 7(b). As of today's date, no response has been received. Defendant's unopposed motion will, therefore, be granted as a matter of course. *Id.* 7(d). The Court further notes that it would likely grant the motion on its merits. Plaintiff failed to give Defendant prior notice of the subpoenas in accordance with Federal Rule of Civil Procedure 45. *See* Fed. R. Civ. P. 45(a)(4). The subpoenas also needlessly infringe on Defendant's customer relationships; Plaintiff could have directed the same discovery requests to Defendant and thereby obtain the information he desired. *United States v. Raineri*, 670 F.2d 702, 712 (7th Cir. 1982).

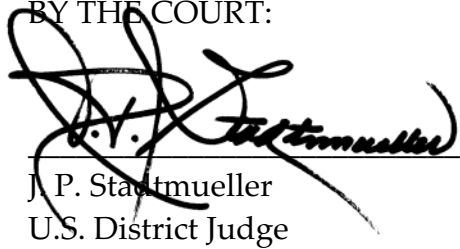
Accordingly,

**IT IS ORDERED** that Defendant's motion for a protective order (Docket #13) be and the same is hereby **GRANTED**; and

**IT IS FURTHER ORDERED** that, pursuant to Federal Rules of Civil Procedure 26 and 45, the subpoenas identified in Defendant's motion for a protective order (Docket #13 at 1-2) be and the same are hereby **QUASHED**.

Dated at Milwaukee, Wisconsin, this 13th day of June, 2017.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Judge